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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 UNITED STATES OF AMERICA,)
12 Plaintiff,)
13 vs.)
14 DAVID SIMCHO,) ORDER
15 _____ Defendant. _____)
16 _____)

17 This matter is set for status and trial setting on December 4, 2006. Upon defendant's request the
18 matter is continued to February 12, 2007 at 10:00 a.m. for status and trial setting. The government and
19 defendant and his counsel (Thomas Kidwell) have agreed that the period from December 4, 2006 to
20 February 12, 2007 shall be excluded under the Speedy Trial Act in the interest of justice pursuant to
21 Title 18 U.S.C Sections 3161(h)(8)(A), (B)(ii), and (B)(iv). The Court agrees and finds that the ends of
22 justice served by excluding the above period outweigh the best interests of the public and the defendant
23 in a speedy trial, because the defendant and his counsel are entitled to a reasonable time necessary for
24 effective preparation of the defenses.

25 IT IS SO ORDERED.

26
27 Dated: 12/1/06 _____
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CERTIFICATE OF SERVICE

I, **KATHY TAT** declare:

That I am a citizen of the United States of America and employed in San Francisco County, California; that my business address is Office of United States Attorney, 450 Golden Gate Avenue, Box 36055, San Francisco, California 94102; that I am over the age of eighteen years, and am not a party to the above-entitled action.

I am employed by the United States Attorney for the Northern District of California and discretion to be competent to serve papers. The undersigned further certifies that I caused a copy of the following:

ORDER

to be served this date upon the party(ies) in this action by placing a true copy thereof in a sealed envelope, and served as follows:

 X **FIRST CLASS MAIL** by placing such envelope(s) with postage thereon fully prepaid in the designated area for outgoing U.S. mail in accordance with this office's practice.

 PERSONAL SERVICE (BY MESSENGER/HAND DELIVERED)

 FACSIMILE (FAX) No.: _____

to the parties addressed as follows:

Thomas Breen Kidwell
2021 The Alameda, Suite 110
San Jose, CA 95126-1144

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on **December 1, 2006** at San Francisco, California.

/s/ Kathy Tat
KATHY TAT
Legal Assistant